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than it had been agreed upon. The defence was the statute of frauds. Specific performance was decreed, and it was held that where a written instrument fails through fraud to express the real terms of the oral contract the statute of frauds does not prevent a Court of Equity from reformation of the instrument to accord with the oral agreement and a decree of specific performance of the contract as thus reformed; and this power depends not on part performance but on the control of the court over written instruments. *Glass v. Hulbert*, 102 Mass. 24, noticed with disapproval as opposed to the weight of authority.

Liability of Counties.—Counties are said in *Smith v. Board of Commissioners*, 46 Fed. Rep. 340, not to be liable for torts of their officers, although acting in the line of their authority. Such officials are acting ultimately under the authority of the State, and the liability of counties for their acts is entirely of statutory definition and limitation.